

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ERIC TILLMAN,

10 Plaintiff,

11 v.

12 VEST SEATTLE, LLC,

13 Defendant.
14

CASE NO. C19-0279-JCC

ORDER

15 This matter comes before the Court on Plaintiff's motion to remand to state court or
16 dismiss (Dkt. No. 9). Having thoroughly considered the parties' briefing and the relevant record,
17 the Court hereby GRANTS the motion for the reasons explained herein.

18 Plaintiff Eric Tillman brought this employment action against Defendant Vest Seattle,
19 LLC in Snohomish County Superior Court, alleging that Smokey Point Behavioral Hospital,
20 which is operated by Defendant, wrongfully terminated him after he made complaints about the
21 hospital being understaffed. (Dkt. No. 1-1 at 6-7.) Defendant removed the action to this Court on
22 the basis of diversity jurisdiction. (Dkt. No. 1 at 1.) Plaintiff subsequently filed the instant
23 motion to remand, alleging a lack of diversity between the parties. (Dkt. No. 9.) Defendant has
24 failed to file a response to the instant motion, which the Court construes as an admission that the
25 motion has merit. *See* W.D. Wash. Local Civ. R. 7(b)(2).

26 Additionally, the Court notes that neither the complaint nor the notice of removal meet

1 the burden of showing the citizenship of Defendant, a limited liability company. (*See* Dkt. Nos.
2 1, 1-1.) The removing party has the burden of establishing the court's subject matter jurisdiction.
3 *See Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 Fed. App'x. 62, 64 (9th Cir.
4 2011). "For purposes of diversity jurisdiction, a limited liability company 'is a citizen of every
5 state of which its owners/members are citizens.'" *3123 SMB LLC v. Horn*, 880 F.3d 461, 465
6 (9th Cir. 2018) (citing *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.
7 2006)). Defendant has not met its burden of establishing the Court's subject matter jurisdiction in
8 this case, as the notice of removal fails to both list the members or owners of Defendant and
9 provide their citizenship. (Dkt. No. 1.)

10 For the foregoing reasons, Plaintiff's motion to remand to state court or dismiss (Dkt. No.
11 9) is GRANTED. The Clerk is DIRECTED to remand this action to Snohomish County Superior
12 Court.

13 DATED this 5th day of April 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE